

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LATRINA COTHRON, individually and on behalf of all others similarly situated,

Plaintiff,

V.

WHITE CASTLE SYSTEM, INC. d/b/a  
WHITE CASTLE,

Defendant.

Case No. 1:19-CV-00382

Honorable John J. Tharp, Jr.

**DEFENDANT WHITE CASTLE SYSTEM, INC.’S  
MOTION TO AMEND RULING TO CERTIFY QUESTION FOR APPEAL**

Defendant White Castle System, Inc. (“White Castle”) respectfully moves the Court for an order amending the Court’s prior August 7, 2020 Memorandum Opinion and Order (Dkt. 125) to certify the following question for appeal pursuant to Fed. R. App. P. 5(a) and 28 U.S.C. § 1292(b):

Q. Whether a private entity violates Sections 15(b) or 15(d) of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.*, only when it is alleged to have first collected or to have first disclosed alleged biometric information or biometric identifiers (“biometric data”) of an individual without complying with those Sections, or whether a violation occurs under Sections 15(b) or 15(d) each time that a private entity allegedly collects or discloses the individual’s biometric data.

WHEREFORE, White Castle respectfully requests that the Court grant White Castle's motion and amend its August 7, 2020 Memorandum Opinion and Order (Dkt. 125) to certify the above question for appeal to the Seventh Circuit Court of Appeals.

Dated: August 17, 2020

Respectfully submitted,

By: /s/ Melissa A. Siebert  
*One of Defendant's Attorneys*

Melissa A. Siebert (masiebert@shb.com)  
Erin Bolan Hines (ehines@shb.com)  
Kathleen M. Ryan (kxryan@shb.com)  
SHOOK, HARDY AND BACON L.L.P.  
111 South Wacker Drive, Suite 4700  
Chicago, IL 60606  
Telephone.: 312.704.7700  
Facsimile: 312.558.1195

*Attorneys for Defendant White Castle System, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on **August 17, 2020**, she caused a true and correct copy of the foregoing **DEFENDANT WHITE CASTLE SYSTEM, INC.'S MOTION TO AMEND RULING TO CERTIFY QUESTION FOR APPEAL** to be filed electronically. Notice of this filing will be sent to all parties registered on this Court's ECF system by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Melissa A. Siebert